

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1356

Introduced by Assembly Member Berg

February 22, 2005

An act to amend Sections ~~4143~~ 4141, 4143, and 4144 of, and to add Section 4144.2 to, the Public Resources Code, relating to forestry and fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as amended, Berg. Department of Forestry and fire protection: cooperative agreements: fire suppression.: :

(1) *Existing law authorizes the Department of Forestry and Fire Protection, for the prevention and suppression of forest fires, to enter into cooperative agreements with any person, firm, association, or corporation that owns or controls any forest, brush, grass, or grain lands, under those terms as the department deems advisable, and to renew, revise, or terminate these agreements.* ~~Existing~~

This bill would also authorize the department to enter into those cooperative agreements with any other entity that owns or controls any forest, brush, grass, or grain lands.

(2) *Existing law prohibits personnel or equipment from being assigned to any location or pursuant to a cooperative agreement if the assignment would not meet policy and standards established by the State Board of Forestry and Fire Protection, that are designed to meet specified objectives, including, among other things, that the striking force and efficiency of the Department of Forestry and Fire Protection in its primary mission of wildland fire protection will not be reduced or impaired.*

This bill would revise that objective to specify that the striking force and efficiency of the department in its ~~primary mission of fire protection~~ *response to major fires or other natural disasters* will not be reduced or impaired.

~~Existing~~

(3) *Existing* law authorizes the Director of Forestry and Fire Protection, with the approval of the Department of General Services, to enter into a cooperative agreement with a county or special district for the purpose of preventing and suppressing forest fires or other fires within any county or special district that so requests under those terms and conditions that the director deems wise.

This bill would ~~revise those provisions to~~ also authorize the director to enter into those cooperative agreements with ~~an individual or a person, firm, association, corporation, or other~~ entity for the purpose of preventing *and suppressing* fires ~~within any county or special district or on other lands~~.

~~Existing~~

(4) *Existing* law prohibits the director from entering into or renewing a cooperative agreement pursuant to those provisions in specified circumstances.

This bill would revise the circumstances under which the director is ~~authorized to enter or renew such~~ *prohibited from entering into or renewing* a cooperative agreement, as provided.

~~Existing~~

(5) Existing law requires that a cooperative agreement provide, ~~for,~~ in a reasonable manner, *for* the efficient utilization of necessary fire prevention and suppression related equipment, personnel, and buildings that are located in or immediately adjacent to the state responsibility area during that period of the year commonly designated as the “nonfire season.”

This bill would revise those provisions to delete the requirement that the equipment, personnel, and buildings be located in or adjacent to that area during “nonfire season.” The bill would also make various changes related to the personnel required for the necessary operation and maintenance of equipment and buildings under the jurisdiction of the director, as specified.

~~Existing~~

(6) *Existing* law requires that a cooperative agreement provide for a cost apportionment between the county or special district and the state that reasonably reflects cost apportionments, except that the county or

special district is required to be apportioned specified additional costs for extended staff availability for 24-hour emergency response, not to exceed 15~~percent~~ % of the base salary cost.

This bill would delete the 15% base salary limit with regard to a county, special district, individual, ~~or firm, association, corporation,~~ *or other* entity being apportioned the specified additional costs. The bill would also ~~authorize~~ *require* the department to recover its actual *additional* costs.

This bill would require the department to ensure that a minimum staffing level, consistent with department's policy, is maintained on all fire prevention *and suppression* vehicles.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4141 of the Public Resources Code is
2 amended to read:

3 4141. (a) The department may, for the prevention and
4 suppression of forest fires, enter into cooperative agreements
5 with any person, firm, association, ~~or corporation,~~ *or other entity*
6 that owns or controls any forest, brush, grass, or grain lands,
7 under ~~such~~ *those* terms as the department deems advisable, and
8 may renew, revise, or terminate these agreements.

9 ~~The~~
10 (b) The department also may, for the purpose of maintaining a
11 fire patrol system for the prevention and suppression of forest
12 fires in any timber, brush, grass, or other flammable vegetation or
13 material, enter into cooperative agreements with the federal
14 government, under ~~such~~ *those* terms as it deems advisable, and
15 may renew, revise, or terminate these agreements.

16 ~~The~~
17 (c) The expenses incurred under these agreements shall be
18 paid from appropriations or funds available for forest fire
19 protection.

20 ~~SECTION 1.~~

21 SEC. 2. Section 4143 of the Public Resources Code is
22 amended to read:

23 4143. The Legislature hereby finds and declares that the
24 maintenance of the economic well-being of the state and the

1 public health and safety require that the state, through the
2 department, obtain full utilization of all equipment, personnel,
3 and buildings under the jurisdiction of the director. In order to
4 obtain these benefits, the director, in accordance with policy
5 determined by the board, may provide personnel for and operate
6 ~~such~~ *those* fire stations, statewide, as the director deems
7 necessary to provide the best possible fire prevention and
8 suppression. Personnel or equipment shall not be assigned to any
9 location or assigned pursuant to Section 4144 ~~if such as that~~
10 assignment would not meet policy and standards established by
11 the board. The policy and standards shall be designed to ~~assure~~
12 *ensure* all the following:

13 (a) The striking force and efficiency of the department in its
14 ~~primary mission of fire protection~~ *response to major fires or*
15 *other natural disasters* will not be reduced or impaired.

16 (b) The department will not need any additional funds to
17 operate its program.

18 (c) Personnel and equipment assigned pursuant to Section
19 4144 will not replicate services provided under an agreement
20 made pursuant to Section 4142.

21 The normal assignment of fire resources of the department to
22 southern California during periods of critical fire weather
23 conditions or during major wildland fires shall not be impaired
24 and shall receive priority over agreements made with counties
25 pursuant to Section 4144.

26 ~~SEC. 2.~~

27 *SEC. 3.* Section 4144 of the Public Resources Code is
28 amended to read:

29 4144. (a) Notwithstanding Section 4142, the director may,
30 with the approval of the Department of General Services, enter
31 into a cooperative agreement with a county or a special district,
32 ~~or any other individual or person, firm, association, corporation,~~
33 ~~or other entity for the purpose of preventing and suppressing~~
34 ~~fires within any county or special district, or on other lands that~~
35 ~~so requests that requests an agreement,~~ under those terms and
36 conditions that the director deems wise.

37 (b) The director shall not enter into or renew a cooperative
38 agreement pursuant to this section under ~~either any~~ of the
39 following circumstances:

1 (1) With any county that has assumed responsibility pursuant
2 to Section 4129.

3 ~~(2) If the~~

4 (2) *Unless the land to be protected is either in proximity to, or*
5 *within lands classified by the board pursuant to Section 4125 as,*
6 *a state responsibility area. For the purposes of this paragraph,*
7 *“proximity” means within a distance that results in a response*
8 *time established by the board.*

9 (3) *The director determines that the argument would negatively*
10 *impact existing fire prevention and suppression service levels.*

11 (4) *The director determines, pursuant to the policy and*
12 *standards adopted by the board under Section 4143, that the*
13 *agreement would replicate services provided under an agreement*
14 *made pursuant to Section 4142.*

15 (5) *The director determines that the service area of a*
16 *particular station under the agreement is more appropriately*
17 *served under an agreement made pursuant to Section 4142.*

18 (c) The cooperative agreement shall provide both of the
19 following:

20 ~~(1) In a reasonable manner, for the efficient utilization of~~
21 ~~necessary fire prevention and suppression related equipment,~~
22 ~~personnel, and buildings under the jurisdiction of the director.~~
23 ~~The equipment~~

24 (1) *The personnel, equipment, and buildings utilized shall be*
25 *limited to those owned or leased by the state, or their*
26 *replacements, and to the equipment, personnel, and buildings*
27 *used during the fire season used to protect state responsibility*
28 *areas. Whenever the cooperative agreement provides for the*
29 *employment of personnel during the “nonfire season” who would*
30 *be in addition to the personnel required for the necessary*
31 *operation and maintenance of equipment and buildings under the*
32 *jurisdiction of the director, the full salaries and all benefits of the*
33 *additional personnel shall be apportioned, as the director*
34 *determines is appropriate costs to the county, special district,*
35 *person, or firm, association, corporation, or other entity that*
36 *contracts with the department pursuant to the cooperative*
37 *agreement for fire protection.*

38 (2) *A cost apportionment between the state and the county,*
39 *special district, individual, or firm, association, corporation, or*
40 *other entity that contracts with the state for fire protection that*

1 reasonably reflects cost apportionments *made pursuant to Section*
2 *4141 or 4142*, except that the county or special district or
3 contracting individual ~~or firm, association, corporation, or other~~
4 entity shall be apportioned the additional cost for extended staff
5 availability for 24-hour emergency response, for state personnel
6 assigned to staff fire engines at a rate determined annually by the
7 director, plus staff benefit costs attributable to the apportionment,
8 and total *unplanned* overtime pay. The department ~~may recover~~
9 ~~its actual~~ *shall recover its actual additional costs*.

10 ~~SEC. 3.~~

11 *SEC. 4.* Section 4144.2 is added to the Public Resources
12 Code, to read:

13 4144.2. The department shall ensure that a minimum staffing
14 level, consistent with the department's policy, is maintained on
15 all fire prevention *and suppression* vehicles.